

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN, and
BARBARA BROWN,

Plaintiffs,

5.

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC., and
BOSTON EDISON COMPANY d/b/a/
NSTAR ELECTRIC,

Defendant .

C.A. No. 04cv11924-RGS


AFFIDAVIT OF BRIAN CARL PETERS, MAJOR, UNITED STATES AIR FORCE

I, Brian Carl Peters, Major, United States Air Force, hereby state as follows:

1. I am aware of the allegations made by First Lieutenant (Ret.) Ian Brown against the United States in the above-captioned matter.
2. I submit this affidavit in support of the United States' Motion to Dismiss the Complaint.
3. The information contained in this affidavit is based upon my personal knowledge and upon my review of First Lieutenant ("Lt.") Brown's military record. I make this affidavit knowingly and voluntarily.
4. I am a Major with the United States Air Force. I have served the United States Air Force since February 28, 1993 and currently am stationed at Beale Air Force Base in California.
5. On January 4, 2002, Lt. Brown was on active duty. Lt. Brown worked in the Global Combat Support System (Air Force) System Program Office at Hanscom Air Force Base ("Hanscom AFB") located in Bedford, Massachusetts. I was Lt Brown's direct supervisor.
6. Based on information and belief, at approximately mid-day, Lt. Brown, wearing his uniform, left the office in order to have lunch at his government residence.

7. Lt. Brown's government housing was located just off Hartwell Road and is only a short distance from Hanscom AFB, which is also on Hartwell Road. Lt. Brown often went to his residence for meals.
8. Based on information and belief, on January 4, 2002, at approximately 1419 hours, Lt. Brown lost control of the motorcycle upon which he was riding while traveling on Hartwell Road on his way back to his office at Hanscom AFB.
9. At the time of his accident on January 4, 2002, to my knowledge, Lt. Brown was not on leave or in a liberty status. I had not authorized Lt. Brown to take a leave. I had not given Lt. Brown the rest of the day off.
10. At the time of his accident, Lt. Brown was working his duty day, wearing his uniform, and, based on information and belief, traveling back to the office after taking a lunch break.
11. At the time of his accident, Lt. Brown was subject to military control.
12. Active duty members of the United States Air Force are subject to military discipline 24 hours per day.
13. Following Lt. Brown's accident on January 4, 2002, the United States Air Force has provided Lt. Brown with significant benefits, including medical treatment, disability retirement and benefits for his injuries because they occurred while Lt. Brown was performing his military duties.

Signed this 16 day of December, 2004 under the pains and penalties of perjury.



Brian Carl Peters, Major
United States Air Force